

**IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

WALLACE MONTGOMERY, et al.,)	
)	
Plaintiffs,)	
)	
v.)	Civil Action No.: 2:06-cv-880-WKW
)	
UNITED STATES,)	
)	
Defendant.)	

**UNITED STATES' MOTION TO
CONSOLIDATE RELATED CASES**

COMES NOW the United States, and pursuant to Rule 7 (b)(1) of the Federal Rules of Civil Procedure, moves to consolidate this case and *Allen, et al. v. United States*, 2:06-cv-879-MEF (M.D. Ala.). The United States relies upon the following grounds for this motion:

1. This case and *Allen, et al., v. United States*, 2:06-cv-879-MEF (M.D. Ala) both arise from the same automobile accident involving plaintiffs and Bertha Moore that occurred on or about August 29, 2003, on Interstate 65 (I-65).
2. Both cases were initially filed in State court naming Bertha Moore as a defendant. *Allen, et al. v. Bertha Moore, et al.*, Case No. CV 2005-2213 (Circuit Court of

Montgomery County, Ala.); *Montgomery v. Bertha Moore, et al.*, Case No. CV 2005-2214 (Circuit Court of Montgomery County, Ala.).

3. On September 28, 2006, the United States substituted itself for Bertha Moore as party defendant and removed both cases to this Court pursuant to the Westfall Act, 28 U.S.C. § 2679 (d)(2).

4. The United States filed a notice of related case in the *Allen* case at the time of removal. However, at this time, the cases are assigned to different judges.

5. For purposes of judicial economy and the convenience of the parties, it would make sense to have these closely related Federal Tort Claims Act cases proceed through discovery and trial on the same schedule and before the same judge.

WHEREFORE, the United States moves to consolidate *Montgomery v. United States*, 2:06-cv-880-WKW (M.D. Ala.) and *Allen, et al., v. United States*, 2:06-cv-879-MEF (M.D. Ala).

Respectfully submitted this 13th day of November, 2006.

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CERTIFICATE OF SERVICE

I hereby certify that on November 13, 2006, I electronically filed the foregoing United States' Motion to Consolidate Related Cases with the Clerk of the Court using the CM/ECF system which will send notification of such filing to plaintiffs' attorney, J. Callen Sparrow, Esquire.

s/Stephen M. Doyle
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